

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Edwin J., and Marilyn A. Reichman (Claimants) v. Brookstreet Securities Corporation,
Sean Mescall and Brian Keith Martinsen (Respondents)

Case Number: 06-03088

Hearing Site: Albany, New York

Nature of the Dispute: Customers vs. Member and Associated Persons.

REPRESENTATION OF PARTIES

Claimants Edwin J. and Marilyn A. Reichman hereinafter referred to as "Claimants" appeared *pro se*.

Respondent Brookstreet Securities Corporation ("Brookstreet") did not enter an appearance in the matter.

Respondent Sean Mescall ("Mescall") appeared *pro se*.

Respondent Brian Keith Martinsen ("Martinsen") appeared *pro se*.

CASE INFORMATION

Statement of Claim filed on or about: June 26, 2006.

Claimants signed the Uniform Submission Agreement: June 10, 2006.

Brookstreet did not submit an Answer or sign the Uniform Submission Agreement.

Statement of Answer filed by Mescall on or about: August 9, 2006.

Mescall signed the Uniform Submission Agreement: July 22, 2006.

Statement of Answer filed by Martinsen on or about: August 18, 2006

Martinsen signed the Uniform Submission Agreement: August 10, 2006.

CASE SUMMARY

Claimants asserted the following causes of action: churning, unauthorized trading and suitability. The causes of action relate to unspecified stocks.

Unless specifically admitted in his Answer, Mescall denied the allegations of wrongdoing set forth in the Statement of Claim.

Unless specifically admitted in his Answer, Martinsen denied the allegations of wrongdoing set forth in the Statement of Claim.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$17,688.00, punitive damages in the amount of \$17,688.00, interest, and costs.

Mescall requested an Award dismissing the Statement of Claim in its entirety.

Martinsen requested that the Arbitrator dismiss the Statement of Claim in its entirety and expunge any reference to this Claim from his Central Registration ("CRD") record.

OTHER ISSUES CONSIDERED AND DECIDED

Brookstreet did not file with NASD Dispute Resolution a properly executed submission agreement but is required to submit to arbitration pursuant to the Code.

By letter dated August 18, 2006, Claimants notified NASD Dispute Resolution they had reached a settlement with Brookstreet.

Upon review of the file and the representations made by the Claimants, the undersigned arbitrator (the "Arbitrator") determined that Respondent Sean Mescall has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Mescall is liable for and shall pay to Claimants compensatory damages in the amount of \$17,688.00.
2. Mescall is liable for and shall pay to Claimants the sum of \$175.00 to reimburse Claimants for the non-refundable filing fee previously paid to NASD Dispute Resolution.
3. The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Brian Martinsen's registration records maintained by the Central Registration Depository ("CRD"), with the understanding

that pursuant to NASD Notices to Members 04-16, Respondent Brian Martinsen must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to NASD Rule 2130, the arbitration panel has made the following affirmative findings of fact:

The registered person was not involved in the alleged investment-related sales practice violation.

4. Any and all relief not specifically addressed herein, including punitive damages is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 175.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter Brookstreet Securities Corporation was a party and Mescall's and Martinsen's former firm.

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 1,000.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference with the Arbitrator @ \$450.00/session	= \$ 450.00
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Pre-hearing conference: November 16, 2006 1 session

One (1) Hearing session @ \$450.00 = \$ 450.00

Hearing Date: January 10, 2007 1 session

Total Forum Fees = \$ 900.00

1. The Arbitrator has assessed \$900.00 of the forum fees to Mescall.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 625.00
<u>Refund Due Claimants</u>	= \$ 450.00

As stated in the "Award" section above, Mescall shall reimburse Claimants for the filing fee previously paid to NASD Dispute Resolution.

2. Brookstreet is solely liable for:

<u>Member Fees</u>	= \$ 2,625.00
<u>Total Fees</u>	= \$ 2,625.00
<u>Less Payments</u>	= \$ 1,175.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 1,450.00

3. Mescall is solely liable for:

<u>Forum Fees</u>	= \$ 900.00
<u>Total Fees</u>	= \$ 900.00
<u>Less Payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 900.00

All balances are due and payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION

Alan E. Johnson

Public Arbitrator, Sole Arbitrator

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Alan E. Johnson
Public Arbitrator, Sole Arbitrator

1/26/07

Signature Date

January 26, 2007

Date of Service (For NASD office use only)